IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION (PAROLE) NO. 3998/2007

SHYAM KUMAR VAISHNAV Vs. STATE OF RAJASTHAN & ANR.

DATE: 30.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Anil Upman for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

****

This writ petition is filed by the petitioner as the respondents have refused to grant regular parole of 20 days to the petitioner on the ground of police report. It is also submitted that as per the report of Superintendent of Jail, Kota, the conduct of the petitioner was observed satisfactory.

As per the report of S.P., Baran, the petitioner is involved in the case and there is likelihood of his absconding if he has been released on parole and the same observations are given by the Deputy Narcotics Commissioner, Kota vide its order dated 14.08.2006.

Learned counsel for the petitioner submits that on the basis of the police report regular parole

cannot be refused if the Superintendent of Jail has given report that the conduct of the petitioner is satisfactory. He placed reliance on the judgment rendered by the Division Bench of this Court in the case of **Ibrahim @ Panna Vs. State of Rajasthan & Anr., 2004(3) RLR 735,** wherein it has been held by the Division Bench that it is nowhere mentioned that adverse police report can be made basis to reject the application- Even if Parole Committee thinks it proper to consider the police report and on considering it finds that if prisoner is released on parole, breach of parole conditions may occur, in that eventuality, a direction u/R 11 may be issued that prisoner shall remain under the supervision of a guardian."

Having heard the submissions made on behalf of the petitioner as well as learned Addl. GA for the State, it appears that the refusal of regular parole is not on the basis of police report alone and it is not doubt that the Superintendent of Jail, Kota so far as conduct of the petitioner is concerned, has given satisfactory report and the I.G. (Prisons) has considered the report submitted by the District Magistrate, Baran, S.P., Baran and the Deputy Narcotics Commissioner, Kota. All the authorities are of the same view that if the petitioner is released on parole,

there is apprehension of misusing it and, therefore, parole has been rejected.

I have also carefully gone through the judgment rendered by the Division Bench of this Court in the aforementioned case of **Ibrahim @ Panna (supra).** Here in the instant case, all the agencies are of the same view except Superintendent of Jail, Kota, therefore, regular parole has been refused to the petitioner.

In the facts and circumstances of the case, I deem it proper to direct the respondents to seek fresh report with regard to the petitioner and after obtaining report from District Magistrate, Baran, S.P., Baran, Deputy Narcotics Commissioner, Kota and Superintendent of Jail, Kota, the Parole Committee shall consider the case of the petitioner afresh in accordance with the provisions of law.

With these observations, the writ petition stands disposed of.

(K.S. RATHORE),J.

/KKC/